

Exhibit 2

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

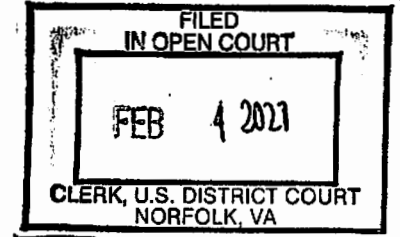
UNITED STATES OF AMERICA

v.

THOMAS JOSEPH HOLMSTEDT,

Defendant.

No. 2:21-cr-4



STATEMENT OF FACTS

The United States and the defendant, THOMAS JOSEPH HOLMSTEDT (hereinafter, "the defendant"), agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. In August 2019, a foreign law enforcement agency notified the Federal Bureau of Investigation ("FBI") that on April 13, 2019, a user of IP address 70.160.151.223 ("the Target IP address") accessed online child sexual abuse and exploitation material on the Internet via a website. The website at issue was an online bulletin board on The Onion Router ("Tor") network dedicated to the advertisement and distribution of visual depictions of minors engaging in sexually explicit conduct that operated from approximately 2016 to June 2019. On the site's announcements page was the following text: "this website was created to host videos, photos and discussions of 18 (twinks) and younger of Hurtcore materials (videos & pictures) as well as discussion of such." Hurtcore refers to violent pornography.

2. Sections and forums for posting to the website included "HURTCORE Toddlers Videos (Ages 0-5)," "Preteen/Hebe Children Videos (Ages 6-13)," "Teens Videos (Ages 14+)," "Toddlers Images (Ages 0-5)," "Preteen/Hebe Children Images (Ages 6-13)," and "Teens Images

(Ages 14+).” Another forum was named “GORE/DEATH” which included sub-forms for “Toddlers (Ages 0-5),” “Preteen/Hebe Children (Ages 6-13)” and “Teens (Ages 14+).”

3. The Tor network is a computer network available to Internet users that is designed specifically to facilitate anonymous communication over the Internet. To access the Tor network, a user must install Tor software. That is most easily done by downloading the free “Tor browser” from the Tor Project, the private entity that maintains the Tor network. The Tor browser is a web browser that is configured to route a user’s Internet traffic through the Tor network. Unlike standard Internet websites, a Tor-based web address is comprised of a series of at least 16 and as many as 56 algorithm-generated characters, followed by the suffix “.onion.”

4. An administrative subpoena issued to Cox Communications on or about September 11, 2019, regarding the Target IP address identified the account holder as Thomas Holmstedt, with an account active since 2005 at an address in Virginia Beach, Virginia (“the Virginia Beach residence”).

5. On June 23rd, 2020, the U.S. District Court for the Eastern District of Virginia authorized the installation and use of a pen register/trap and trace (“PRTT”) device to record, decode and/or capture all dialing, routing addressing and signaling information associated with each communication to or from the Target IP address. Analysis of the data provided pursuant to that PRTT order revealed evidence that a user of the Internet at the Virginia Beach residence regularly accessed the Tor network, over a total of 200 times, beginning June 26, 2020, and continuing through August 21, 2020.

6. On August 25, 2020, agents from the FBI executed a search warrant at the Virginia Beach residence. After voluntarily signing an advice of rights form, the defendant stated that all electronic devices in the residence were his. He also stated that he was familiar with The Live

Amnesic Incognito Live System ("TAILS"), an operating system that preserves anonymity by routing internet traffic through Tor.

7. The TAILS operating system and artifacts of TAILS and Tor use were found on several devices in the defendant's residence, including on an HP laptop computer in his bedroom closet registered to "TJ" (a match to the defendant's first and middle names). Further, a SanDisk MicroSD card found in a dresser drawer in the defendant's bedroom contained the TAILS operating system and an encrypted text file entitled "Simple links." That text file contained a number of bookmarked links to Tor sites known to contain and file-share visual depictions of minors engaging in sexually explicit conduct. Many titles for the bookmarks contained express references to minors, such as "Baby," "chinese girls," and "loli."

8. Forensic review of electronic devices seized during the execution of the search warrant at the Virginia Beach residence revealed two electronic devices containing visual depictions of minors engaging in sexually explicit conduct. First, a wireless 1 Terabyte Western Digital external hard drive, manufactured outside of the Commonwealth of Virginia and found in the hallway of the defendant's residence, contained 133 such images. 128 of these images depict an adult male inserting a tampon into the anus of a female infant. An example of one such image is the filename ending in "35ab5.jpg". These images were found in the thumbnail cache; a thumbnail is generated when an image file is viewed as a thumbnail by a computer user.

9. Second, a 400 Gigabyte SanDisk manufactured outside of the Commonwealth of Virginia and found in a desk drawer in the spare bedroom of the Virginia Beach residence, contained at least 739 images and at least two videos depicting minors engaging in sexually explicit conduct. All of the 739 images depict a female child between eight and ten years old performing oral sex on an adult male's penis. An example of one such image is the filename ending in

"0825_Carved.jpg". One of the two videos involves a prepubescent female child between four and seven years old having an adult male's penis ejaculate in her mouth and on her face. This video has the filename ending in "015_Carved.mp4". All of these files were found in slack space, indicating that they had been deleted but not yet overwritten.

10. The Internet is an interconnected network of computers with which one communicates when on-line, is a network that crosses state and national borders, and is a means and facility of interstate and foreign commerce.

11. Virginia Beach is in the Eastern District of Virginia.

12. The investigation and evidence revealed that on or about August 25, 2020, in Virginia Beach, within the Eastern District of Virginia, and elsewhere, the defendant, THOMAS JOSEPH HOLMSTEDT, did knowingly possess matter, namely a 1 Terabyte Western Digital external hard drive, which was manufactured outside the Commonwealth of Virginia, and which contained a visual depiction that had been mailed, and had been shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and which was produced using materials which have been mailed and so shipped and transported, by any means including by computer, and the producing of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct, and at least one visual depiction depicted a prepubescent minor and a minor who had not attained 12 years of age, an example of which being a file identified by the file name ending with "35ab5.jpg".

13. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to

the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

14. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

Raj Parekh
Acting United States Attorney

Date: February 4, 2021

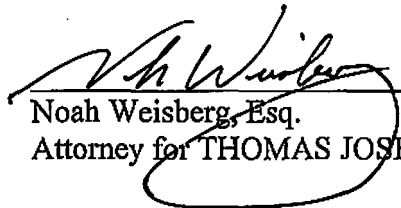
By: _____


E. Rebecca Gantt
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, THOMAS JOSEPH HOLMSTEDT, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.


THOMAS JOSEPH HOLMSTEDT

I am Noah Weisberg, defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.


Noah Weisberg, Esq.
Attorney for THOMAS JOSEPH HOLMSTEDT